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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/143,279 08/28/98 GILL

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EXAMINER
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WM31/0130

GLENN L. WEBB

ALAVI, A

P.O. BOX 951  
CONIFER CO 80433

ART UNIT	PAPER NUMBER
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2621

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DATE MAILED:

01/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

**Application No.**

09/143,279

**Applicant(s)**

GILL ET AL.

**Examiner**

Amir Alavi

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **FINAL ACTION**

### **Response to Amendment**

1. Applicant's amendment filed, October 30, 2000, has been entered and made of record.
2. Applicant's arguments with regards to claims 1-18 have been fully considered but they are not persuasive.  
  
Applicant argues in essence that Dermer does not disclose or suggest means for assigning percentages to each of the color components.
3. The Examiner disagrees and indicates that the prior arts teach means for assigning percentages to each of the color components. (see column 18, lines 44-48 & column 19, lines 34-42).
4. Applicant argues in essence that Dermer fails to teach means for determining the value by an iterative process for each of the spot colors sequentially layered on the previously determined said value until said value is finally determined.

5. The Examiner disagrees and indicates that the prior arts teach means for determining said value by an iterative process for each of the spot colors sequentially layered on the previously determined said value until said value is finally determined. (See column 9, lines 56-58 & column 10, line 15).

### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dermer (U.S. patent 5,668,931).

Regarding claim 1, Dermer teaches:

means for selecting at least one color component from a first color model; (see lines 44-67, column 18; lines 1-45, column 19); means for selecting at least one additional

color component from at least one other color model (see lines 44-67, column 18 and lines 1-45, column 19) and means for assigning percentages to each of said selected color components. (see lines 27-45, column 19).

Regarding claim 2, Dermer teaches:

Means for defining the process color and the at least one other color applied to it into process color components, spot color components and percentage values (see lines 44-67, column 18 & lines 1-45, column 19); means for converting said process color components and their percentage values into a coordinate set values for visual depiction (see lines 1-59, column 8); means for determining said coordinate set values of said spot color components (see lines 1-33, column 8); means for applying percentages to said coordinate set of values of said spot color components according to said percentage values for said spot color components (see lines 27-45, column 19); means for determining a value for said percentages of said spot color components layered onto said coordinate set of values converted from said process color components (see lines 44-67, column 18); and means for converting said value into said coordinate set. (See lines 1-59, column 8).

Regarding claim 3, Dermer teaches, wherein said means for converting said process color components into said coordinate set values includes: means for setting said coordinate set values for said process color components to said coordinate set values for the color white if there are no process color components. (See FIGS.23 & 24).

Regarding claim 4, Dermer teaches, wherein said means for determining a value further includes:

Means for determining said value by an iterative process for each of the spot

Colors sequentially layered on the previously determined said value until said value

Is finally determined. (See lines 45-67, column 9 & lines 1-30, column 10).

Regarding claim 5, Dermer teaches, wherein said means for assigning said percentages of said spot color components according to said shade value includes: means for applying percentages to each of the components of the coordinate set values according to said percentage value for those components. (See lines 1-45, column 19).

Regarding claim 6, Dermer teaches, wherein said means for determining a value includes:

Means for determining a value for each of the coordinate set components for

Each of said percentage values for each of said coordinates set components layered

Onto each of the components of said coordinate set values converted from said

Process color components. (See lines 45-67, column 9 & lines 1-29, column 10).

Regarding claim 7, Dermer teaches:

Means for defining the document process color (see FIGS.23 & 24); means for defining each of at least one spot color to be applied onto the document process color (see FIGS.23 & 24); means for applying shade values to each of said document process color and to each of said at least one spot color (see FIGS. 23 & 24); means for defining a new color based on the shade values applied for each of said document

process color and for each of said at least one spot color (see FIGS.23 & 24); and means for applying said defined new color to a document depicted visually on a computer monitor screen. (See FIGS. 23 & 24).

Regarding claim 8, Dermer teaches, wherein said system further includes:

Said means for defining the document process color includes: (see lines 1-59, column 8); means for defining the process color components of the document process color; (see lines 1-59, column 8); and said means for applying shade values to each of said document process color and to each of said at least one spot color includes (see lines 1-59, column 8); means for applying a shade value to each of the process color components of the document process color. (See lines 1-59, column 8).

Regarding claim 9, Dermer teaches, wherein said system further includes:

Said means for defining each of at least one spot color to be applied onto the document process color includes: (see lines 1-59, column 8); means for defining the spot color model components of each of the at least one spot color to be applied onto the document process color (see lines 1-59, column 8); and said means for applying shade values to each of said document process color and to each of said at least one spot color further includes (see lines 1-59, column 8): means for applying a shade value to each of the components of each of the at least one spot color to be applied onto the document process color. (See lines 1-59, column 8).

Regarding claim 10, Dermer teaches, wherein said system further includes:

Said means for defining the document process color includes: (see lines 1-59, column 8); means for defining the process color components of the document process color; (see lines 1-59, column 8); said means for defining each of at least one spot color to be applied onto the document process color includes (see lines 1-59, column 8): means for defining the spot color model components of each of the at least one spot color to be applied onto the document process color (see lines 1-59, column 8); and said means for applying shade values to each of said document process color and to each of said at least one spot color further includes (see lines 1-59, column 8): means for applying a shade value to each of the process color components of the document process color and to each of the spot color components of each of the at least one spot color to be applied onto the document process color. (See lines 1-59, column 8).

Regarding claim 11, Dermer teaches, wherein said means for defining a new color includes:

Means for layering on each of said at least one spot color onto said document

Process color sequentially in an iterative process. (See lines 45-67, column 9 & lines 1-30, column 10).

Regarding claim 12, Dermer teaches, wherein said means for applying said defined new color to a document depicted visually on a computer monitor screen includes:



Means for converting the defined new color obtained from said means for defining a new color into a spot color model for display onto a computer monitor screen. (See FIGS. 23 & 24).

Regarding claim 13, Dermer teaches :

Defining the process colors and the spot colors (see FIGS. 23 & 24); assigning shade values to each of said process colors and to each of said spot colors (see FIGS. 23 & 24); defining a color based on the combination of said assigned shade values for each of said process colors and for each of said spot colors (see FIGS. 23 & 24); and applying said defined color to the document visually depicted on the computer monitor screen. (See FIGS. 23 & 24)

Regarding claim 14, Dermer teaches, wherein said step of defining process colors and the spot colors further includes:

Converting said process color into an RGB value. (See lines 1-45, column 19).

Regarding claim 15, Dermer teaches, wherein said step of defining the process colors and the spot colors further includes:

Determining the RGB value for the spot color. (See lines 1-45, column 19).

Regarding claim 16, Dermer teaches, wherein said step of defining a color based on the combination of said assigned shade values for each of said process colors and for each of said spot colors further includes:

Determining a value for said defined color based on each of said spot colors

Shaded by said assigned shade value layered onto each of said process colors. (See FIGS. 23 & 24).

Regarding claim 17, Dermer teaches, wherein said step of defining the process colors and the spot colors includes:

defining the process colors by the components of the process color model (see FIGS. 23 & 24); and defining the spot colors by the components of the spot color model. (See FIGS. 23 & 24).

Regarding claim 18, Dermer teaches, wherein said step of defining a color includes:

Assigning shade values to each of said components of the process colors; and

Assigning shade values to each of said components of the spot colors. (See FIGS. 23 & 24).

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amir Alavi whose telephone number is (703) 306-5913. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached at (703)305-4706.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, or (703) 308-9052 (for **formal** communications; please mark  
"EXPEDITED PROCEDURE")

**or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
"PROPOSED" or "DRAFT")

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**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703)305-4750.

*Amir Alavi*  
*Patent Examiner*  
*Group Art Unit 2621*  
*January 18, 2001*

*Phuoc Tran*  
PHUOC TRAN  
PATENT EXAMINER